



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4353-00
26 December 2000

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 3 January 1951 at the age of 20. Your record contains a letter from your commanding officer dated 17 August 1951, which notes that you were in an authorized absence (UA) status for two days and 19 hours. The record does not, however, note what, if any, disciplinary action was taken for this offense. On 12 November 1951 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded extra duty for three days.

Your record reflects that during the period from 26 March to 21 December 1953 you received NJP on five occasions for reckless driving, a 14 day period of UA, drunk and disorderly conduct, and two periods of absence from your appointed place of duty.

Your record further reflects that on 19 January 1954 received NJP for speeding and were awarded extra duty for two weeks. On 9 April 1954 you were convicted by summary court-martial (SCM) of a three day period of UA. You were sentenced to restriction for 24 days and a reduction in rate.

Subsequently, you were notified of pending administrative separation action by reason of unfitness. After consulting with legal counsel you submitted a written request for retention in the Navy and transfer to another unit. On 12 May 1954 your commanding officer recommended you be issued a discharge under other than honorable conditions by reason of unfitness as evidenced by the seven NJPs and the court-martial conviction. On 4 June 1954 the discharge authority approved this recommendation and directed a undesirable discharge. On 2 July 1954 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your discharge was unduly harsh for the nature of your offenses. The Board also considered your contention that you would like your record purged so that you may be eligible to join a veterans' organization. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director